

**Bountiful City**  
**Administrative Committee Minutes**  
**February 23, 2009**  
**5:00 P.M.**

Present: Chairman, Aric Jensen; Assistant City Engineer, Lloyd Cheney; Assistant Planner Dustin Wright; and Recording Secretary Cindy Gruendell.

Excused: Committee Member, John “Marc” Knight.

1. Chairman, Jensen; opened the meeting at 5:09 p.m. Introduced everyone present and excused John “Marc” Knight.
2. Approval of minutes for February 17, 2009.

Mr. Jensen made a motion to table the minutes for February 17, 2009 as he was not present for that meeting. Mr. Cheney seconded the motion. Voting was unanimous in favor.

3. **Public Hearing** – Consider granting a Conditional Use Permit for an Accessory-in-Law Apartment at 360 West Center Street, Applicant S. Kacy and Liliana Cluff.

The applicant, Liliana Cluff was present. Mr. Wright presented the staff report.

The property is located in an R-4 zone which is single family residential. Public complaint was received by the Code Enforcement Division about the home on this property being used as an illegal duplex. The Cluff’s are allowing their uncle to use the basement. The applicants desire to use the basement for their mother when their uncle moves out. Because of the zoning and the desire to have family live in the basement of the single family home, the applicants would like to receive a Conditional Use Permit for an Accessory In-law Apartment, as required by Bountiful City Ordinance.

Staff recommends approval to the Committee on the following conditions, unless additional issues/concerns are brought before the Committee that would lead to denial:

1. Any issues outlined by the Administrative Committee are met.
2. The requirements outlined in the City Code must be met which states:

**14-14-124      ACCESSORY IN-LAW APARTMENT**

An accessory in-law apartment may be approved by the Administrative Committee as conditional use. An accessory in-law apartment shall meet all of the following criteria:

1. An accessory in-law apartment shall be established only within a single-family dwelling and shall require

a building permit in accordance with the International Building Code. Accessory in-law apartments shall not be located in a duplex or multiple family dwelling unit.

2. Occupancy and use of any accessory in-law apartment shall be by members of the immediate family of the principal owner of the dwelling and shall be limited only to legal dependents, children, parents, grandchildren and grandparents. Other relatives or special circumstances may be considered by conditional use permit.
3. Separate utility service connections shall not be allowed.
4. Common access between units shall be provided.
5. The structure's exterior appearance and the entrances to the dwelling shall be consistent with a single family residence.
6. Water and sewer systems shall be adequate to handle the additional unit.
7. Adequate off-street parking shall be provided for both the primary residential use and the accessory in-law apartment using only existing driveways. Any driveway and parking area shall be in compliance with this Title.
8. The approved conditional use permit and a deed restriction must be filed with the County Recorder.

Mr. Jensen asked the applicant who was living in the basement, and when she purchased the home.

Mrs. Cluff explained that she purchased the home in 1994 and was later married. They put a stove and refrigerator in the basement when her sister was living with them. Her uncle is living with them now but plans to move once her Mother arrives. They are not sure how long it will take for the papers to be processed for her Mother to come to the United States.

The public hearing was opened for comments:

Gary Gines, 89 South 350 West – He wanted to make sure that the City is not changing the Zoning for that area. He is concerned because the applicant has rented to non-family members in the past. He asked if they have enough parking at the home.

The applicant explained that she has parking for four cars; one in the garage and three in the driveway.

Roger Brown, 122 South 300 West – He questioned if the applicant did not have a 2<sup>nd</sup> kitchen, would the permit still be required and can the City require a family to verify their relationship.

Mr. Jensen explained some basic provisions of the City Ordinance and the Federal Fair Housing Act regarding people living together that are not related. The City can request verification that they are related.

Robert Farnes, 42 South 300 West – He is concerned about how these older homes conform to the building code. He asked what the City does if a non-relative is renting the Mother-in-Law apartment from someone and how does the City prevent this from happening?

The Committee explained that a building code issue is a different issue than allowing a relative to live with them. Mr. Jensen explained that if a non-relative is renting from them it would have to be reported to the City and would be turned over to the City Prosecutor to be enforced. The City has investigated over 40 instances last year. A deed restriction is required so that current and future owners know that this is a Single Family Home and cannot be used as a duplex.

Michael Poulsen, 401 West 100 South – Asked if they are allowed to collect rent from their relatives; does the Conditional Use Permit Expire; and is there a time limit as to how long someone can live with you?

Mr. Jensen responded to Mr. Paulsen's questions.

The Public Hearing was closed, there were no other comments.

The Committee reminded to the applicant that only family members are allowed to live in the basement apartment at the applicant request, Mr. Jensen translated the instructions into Spanish.

Mr. Jensen made a motion to approve the Conditional Use Permit for a Accessory-in-Law Apartment at 360 West Center Street for Kacy and Liliana Cluff with the conditions that the Cluff's meet all of the requirements of the City Ordinance regarding Accessory-in-Law apartments (14-14-124) and that the deed restriction be recorded on the title stating that this is a single family home and may not be used as a duplex. Mr. Cheney seconded the motion. Voting was unanimous in favor.

4. Approval of the Conditional Use Permit letter for a Home Occupation Business for a pest control contractor at 1027 East Arlington Way, applicant Scott Page, Allstar Pest Control.

Mr. Jensen made a motion to table this item, as he was not present for that meeting. Mr. Cheney seconded the motion. Voting was unanimous in favor

There were no other items and the meeting adjourned at 5:38 p.m.